

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

FARON LAYNE VOISINE

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CRIMINAL NO. 4:02-CR-028-ALM-KPJ

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 3, 2021, to determine whether Defendant violated his supervised release. Defendant was represented by Matt Hamilton. The Government was represented by Ernest Gonzalez.

On December 20, 2002 United States District Judge Paul Brown sentenced Defendant to a term of one hundred eighty-one (181) months' imprisonment, followed by four (4) years of supervised release. On January 23, 2019, this case was reassigned to United States District Judge Amos L. Mazzant, III.

On February 4, 2019, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 33). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not unlawfully possess or use a controlled substance; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five (5) days of each month; and (4) Defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.

The Petition asserts that Defendant violated these conditions because (1) on November 15, 2018, Defendant was named in a federal Indictment for Conspiracy to Possess with Intent to Manufacture and Distribute Methamphetamine, and Defendant made his Initial Appearance on January 10, 2019; (2) on January 11 and 15, 2019, Alere Laboratories, Inc. reported Defendant's urine samples tested positive for marijuana, methamphetamine, and amphetamine; (3) Defendant failed to submit two monthly reports, due July 5 and August 5, 2018; and (4) Defendant failed to notify the probation officer that he was questioned or arrested by a law enforcement officer on November 3, 2017, April 18 and 29, 2018, and January 13, 2019.

On June 3, 2021, the Court conducted a final revocation hearing on the Amended Petition. Defendant entered a plea of true to allegation 2. *See* Dkt. 47. Defendant also consented to revocation of his supervised release and waived his right to object to the proposed findings and recommendations of the United States Magistrate Judge. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the June 3, 2021 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, to run consecutively to the sentence imposed in Criminal No. 4:18-cr-223, with no supervised release to follow.

So ORDERED and SIGNED this 4th day of June, 2021.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE